

United States District Court
for the
Southern District of New York
Related Case Statement

Full Caption of Later Filed Case:

OPEN SOCIETY JUSTICE INITIATIVE

<p>Plaintiff</p> <p>vs.</p> <p>DEPARTMENT OF HEALTH AND HUMAN SERVICES, CENTERS FOR DISEASE CONTROL AND PREVENTION, FOOD AND DRUG ADMINISTRATION, NATIONAL INSTITUTES OF HEALTH, NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES, DEPARTMENT OF HOMELAND SECURITY, and FEDERAL EMERGENCY MANAGEMENT AGENCY</p>	<p>Case Number</p> <hr/>
<p>Defendant</p>	

Full Caption of Earlier Filed Case:

(including in bankruptcy appeals the relevant adversary proceeding)

OPEN SOCIETY JUSTICE INITIATIVE

<p>Plaintiff</p> <p>vs.</p> <p>DEPARTMENT OF DEFENSE, DEFENSE INTELLIGENCE AGENCY, UNITED STATES INDO-PACIFIC COMMAND, DEPARTMENT OF STATE, DEPARTMENT OF TREASURY OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, and CENTRAL INTELLIGENCE AGENCY</p>	<p>Case Number</p> <p>No. 20-cv-05096 (JMF)</p> <hr/>
<p>Defendant</p>	

Status of Earlier Filed Case:

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Closed

(If so, set forth the procedure which resulted in closure, e.g., voluntary dismissal, settlement, court decision. Also, state whether there is an appeal pending.)

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Open

(If so, set forth procedural status and summarize any court rulings.)

On July 2, 2020, Plaintiff Open Society Justice Initiative ("OSJI") filed its Complaint against Defendants Department of Defense ("DoD"), including its components Defense Intelligence Agency Agency ("DIA") and United States Indo-Pacific Command ("Indo-Pac"), Department of State ("State"), Department of Treasury ("Treasury"), Office of the Director of National Intelligence ("ODNI") and Central Intelligence Agency ("CIA"). In a July 20, 2020 letter endorsed by the Court, the parties proposed that they would submit another status letter on or before August 20, 2020 requesting a status conference at the Court's convenience. On August 6, 2020, Defendants filed an Answer to Plaintiff's Complaint.

Explain in detail the reasons for your position that the newly filed case is related to the earlier filed case.

The earlier filed and newly filed cases concern substantially similar parties, substantially similar transactions and events, and substantial factual overlap. Both cases generally concern claims against various agencies, components, and offices within the federal government for failure to comply with Freedom of Information Act requests seeking information about the Executive Branch's response to, and management of, the novel coronavirus pandemic. The subject matter of the Freedom of Information Act requests to which Defendants are alleged to have failed to provide statutorily adequate responses are similar, and in many cases identical, across all Defendants.

Furthermore, a substantial duplication of expense and effort, as well as unnecessary burden on the Court, is likely to result in the absence of a determination of relatedness because the issues the Court is likely to be presented with in both cases are expected to be similar, if not identical, given the overlapping subject matter of the Freedom of Information Act requests at the heart of these cases.

Signature: /s/ Mark F. Mendelsohn Date: 8/12/2020

Paul, Weiss, Rifkind, Wharton & Garrison LLP

Firm: _____